

REMARKS

Claim 1 is canceled without prejudice, claims 22 to 41 are added, and therefore claims 22 to 41 are now pending in the present application (since claims 2 to 21 were previously canceled).

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for acknowledging the claim for foreign priority and for indicating that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO 1449 paper and cited references.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite. To facilitate matters, claim 1 has been canceled without prejudice, and claims 22 to 41 have been added. The added claims generally correspond to original claims 1 to 21 of the original application. It is believed that claim 22 addresses the indefiniteness issue, and is therefore definite. Withdrawal of the indefiniteness rejection is therefore respectfully requested.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,275,231 ("Obradovich").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness

cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 1 has been canceled without prejudice.

New claims 22 to 41 do not add any new matter and are supported by the present application, including original claims 1 to 21 of the original application.

As presented, claim 22 is to a prioritization method for prioritizing sensor plug-ins, which are for coordinating powertrain control of a motor vehicle, the method including: sorting a list having the plug-ins according to a degree of a rising priority or a falling priority, so as to provide a sorted list; processing the sorted list sequentially, beginning with the one of the plug-ins having a highest priority; ending the processing of the list as soon as one of the plug-in sensors includes a request command; and selecting the request command.

It is believed and respectfully submitted that the “Obradovich” reference does not disclose nor even suggest the features of *sorting a list having the plug-ins according to a degree of a rising priority or a falling priority, so as to provide a sorted list; processing the sorted list sequentially, beginning with the one of the plug-ins having a highest priority; ending the processing of the list as soon as one of the plug-in sensors includes a request command; and selecting the request command.*

In particular, while the “Obradovich” reference may refer to the priority of menu selections, the “Obradovich” reference does not disclose nor even suggest the feature of *sorting a list of the plug-ins according to a degree of priority*. Further, even if the “Obradovich” reference did refer to an operation control subsystem that causes a display to show certain information, it does not disclose nor even suggest the features of *processing the sorted list sequentially, beginning with the one of the plug-ins having a highest priority; ending the processing of the list as soon as one of the plug-in sensors includes a request command; and selecting the request command*, as provided for in the context of the presently claimed subject matter.

Accordingly, claim 22 is allowable, as are its dependent claims.

Claim 26 is allowable for essentially the same reasons as claim 22, as are its dependent claims.

CONCLUSION

In view of the foregoing, it is respectfully submitted that claims 22 to 41 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
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